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10/034,396	12/28/2001	Chester F. Grochoski		1149

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EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 05/29/2003

07

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/034,396	GROCHOSKI, CHESTER F.
	Examiner	Art Unit
	Catherine Simone	1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 March 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Handwerker (5,549,956) in view of Katz (5,843,554).

Regarding **claims 1, 8, 15, and 22**, Handwerker discloses an insulative blanket comprising a first moisture-barrier layer having first and second sides (Fig. 3, #12); a second moisture-barrier layer (Fig. 3, #14); an insulative layer (Fig. 3, #16) between the first moisture-barrier layer and the second moisture-barrier layer, the first side of the first moisture-barrier layer (Fig. 3, #12) facing the insulative layer (Fig. 3, #16); and a reflective layer having first and second sides (Fig. 3, #18). However, Handwerker fails to disclose the first side of the reflective layer being attached to the second side of the first moisture-barrier layer, whereby the insulative layer and the reflective layer are on opposite sides of the first moisture-barrier layer and the second side of the reflective layer is exposed to form an external surface of the blanket. Katz teaches it is old and well-known in the analogous art to have a reflective layer exposed to form an external surface of the blanket for the purpose of reflecting radiant heat toward the object being insulated and conducting heat laterally to provide a more uniform distribution of heat.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have the first side of the reflective layer in Handwerker be attached to the second side of the first moisture-barrier layer, whereby the insulative layer and the reflective layer are on opposite sides of the first moisture-barrier layer and the second side of the reflective layer is exposed to form an external surface of the blanket as suggested by Katz in order to reflect radiant heat toward the object being insulated and conduct heat laterally to provide a more uniform distribution of heat.

Regarding **claims 2, 3, 9, 10 and 18**, note the reflective layer comprises a metal foil made of aluminum (see col. 4, lines 64-67). Regarding **claims 4 and 23**, the insulative layer comprises a sheet, the sheet defining a plurality of indentations having a base and an apex (Fig. 2, #16), the first moisture-barrier layer (Fig. 2, #12) laminated to one of the base and the apex, the second moisture-barrier layer (Fig. 2, #14) laminated to the other of the base and the apex, the first moisture-barrier layer and the second moisture-barrier layer defining a space therebetween (see col. 3, lines 29-32). Regarding **claim 5**, the insulative layer (Fig. 2, #16) comprises a first sheet defining a plurality of indentations (Fig. 2, #22), the first sheet laminated to a second sheet (Fig. 2, #18) closing the plurality of indentations, the enclosed indentations forming at least one insulative enclosure. Regarding **claim 6 and 26**, the insulative layer (Fig. 2, #16) comprises a first sheet defining a plurality of indentations (Fig. 2, #22), the first sheet laminated to a second sheet (Fig. 2, #18), the laminated first sheet and the second sheet defining a first enclosed space (Fig. 2, #24), the first sheet laminated to a third sheet (Fig. 2, #14), the laminated first sheet and the third sheet defining a plurality of insulative enclosures. Regarding **claims 7, 13, 14 and 19**, the insulative layer and moisture-barrier layers are plastic (see col. 3, lines 3-8). Regarding **claim**

11 and **20**, note the moisture-impervious layer and the insulative layer comprise degradable materials (see col. 3, lines 19-24). Regarding **claim 12**, note a second moisture-impervious layer (Fig. 2, #14) secured to the protrusions (Fig. 2, #24), the moisture-impervious layer and the base forming at least one insulative enclosure. Regarding **claim 16**, the plurality of insulative enclosures are disposed in a spaced relationship with each other, the elements being air filled pockets (see col. 3, lines 25-34). Regarding **claim 17**, note a plurality of insulative layers (Fig. 4, #16 and #30) between the first moisture-barrier layer (Fig. 4, #12) and the second moisture-barrier layer (Fig. 4, #14). Regarding **claim 24**, note the reflective layer (Fig. 2, #18) is attached to the base (Fig. 2, #16). Regarding **claim 25**, the reflective layer (Fig. 2, #18) is attached to the moisture-impervious layer (Fig. 2, #12).

Response to Arguments

3. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-4297. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Catherine Simone
Examiner
Art Unit 1772

May 14, 2003


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/21/03